

Notice of Allowability

Application No.

09/813,165

Examiner

Nick Corsaro

Applicant(s)

LEEDOM, CHARLES M.

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 08/30/2004.
2. ☒ The allowed claim(s) is/are 2-5.
3. ☒ The drawings filed on 21 March 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

REASONS FOR ALLOWANCE

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Charles M. Leedon, Jr. Reg. No. 26,477 on 03/30/2005.

The application has been amended as follows:

In the disclosure:

On the first page;

-- This application claims priority to provisional application 60/191,121, filed 03/22/2000--, has been inserted after the title, but before "Field of the Invention".

Allowable Subject Matter

2. Claims 2-5 are allowed.
3. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record fails to teach a communication system that integrates a plurality of wireless communication networks capable of independent operation where access is coordinated to maximize efficiency. The network includes a plurality of wireless communication networks providing service to users in overlapping geographic areas and using different communication modes and operating at different broadcast strengths. Each of the networks forms different tiers of successively greater effective broadcast areas to serve ever-greater geographic areas. The first

tier has the greatest geographic broadcast area and the last tier has the smallest broadcast area.

Within the network, a plurality of portable wireless, multi-modal access devices, are capable of operating in at least some of the plurality of communication modes corresponding to some of the networks, and being capable of establishing a communication session over a first communication link using any one of said corresponding communication networks. To maximize efficiency, a network controller coordinates requests for service by devices and causes wireless communication links to be established with a particular device respectively using the communication network that has the capability of providing the services requested and that is within the tier serving the smallest possible geographic broadcast area thereby using more efficiently the available radio spectrum by driving users to the networks serving the smallest broadcast areas.

Shaheen et al. (6,128,490), in view of Kotzin et al. (5,974,319), cited in a prior office action recited a communication system integrating a plurality of communication networks where portable wireless stations would access the networks based on mode and type of service. Therefore, Shaheen and Kotzin disclosed many of the features of the current invention. However Shaheen and Kotzin failed to teach maximizing efficiency by coordinating the request for service to the system within the smallest tier of service and within the smallest broadcast area. That is, the prior art failed to teach, a network controller coordinating requests for service by devices and causing wireless communication links to be established with a particular device respectively using the communication network that has the capability of providing the services requested and that is within the tier serving the smallest possible geographic broadcast area thereby using more

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efficiently the available radio spectrum by driving users to the networks serving the smallest broadcast areas.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nick Corsaro whose telephone number is 703-306-5616. The examiner can normally be reached on 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay A Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Nick Corsaro

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PRIMARY EXAMINER

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